

Exhibit D

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Plaintiffs' Co-Lead Counsel

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION

MDL No. 2843
Case No. 18-md-02843-VC

This document relates to:

ALL ACTIONS

**DECLARATION OF MICHAEL S. ETKIN
IN SUPPORT OF PLAINTIFFS' NOTICE
OF MOTION AND MOTION FOR
ATTORNEYS' FEES, EXPENSES, AND
SERVICE AWARDS**

Judge: Hon. Vince Chhabria
Courtroom: 4, 17th Floor
Hearing Date: September 7, 2023
Hearing Time: 1:00 p.m.

I, Michael S. Etkin, declare as follows:

1. I am a Partner of the law firm Lowenstein Sandler LLP (“Lowenstein”). This Declaration is made in Support of Plaintiffs’ Motion for Attorneys’ Fees, Expenses, and Service Awards and is submitted in support of the time and expenses reported by Lowenstein Sandler LLP. I have personal knowledge of the matters set forth herein and could competently testify thereto.

2. I was hired by Co-Lead Counsel for Plaintiffs to serve as bankruptcy counsel and advocate for named Plaintiffs and the Settlement Class in the Cambridge Analytica LLC and SCL USA, Inc. bankruptcy cases before Judge Lane in the Southern District of New York (“Bankruptcy Actions”). *See* Pretrial Order No. 7: Bankruptcy Counsel, ECF No. 119 (granting request to retain Michael S. Etkin); ECF No. 117 (letter to Judge Chhabria requesting same). I and Lowenstein played a meaningful role in protecting the interests of the Plaintiffs and the Settlement Class and advancing the litigation through various work assignments and projects, including but not limited to the following:

- Researched and drafted motions for limited relief from the automatic stay in order to serve document preservation subpoenas on the debtors in the Bankruptcy Actions and for examination and the production of documents pursuant to Bankruptcy Rule 2004;
- Researched and drafted a class proof of claim and numerous individual proofs of claim and supporting materials to be filed by named Plaintiffs and Settlement Class members in the Bankruptcy Actions;
- Researched and drafted a document preservation motion and other document requests and represented the interests of the Plaintiffs and Settlement Class in

connection with negotiating confidentiality agreement, non-disclosure agreement, and protective order;

- Represented the interests of the Plaintiffs and Settlement Class in connection with discovery related to the debtors in the Bankruptcy Actions, including taking deposition and review of document production; and
- Coordinated and communicated with the Chapter 7 Trustee, Debtor's Counsel, and the administrators in the U.K. insolvency proceeding in the appointment of a responsible person for the Debtors and fact investigation.

Lowenstein's Time and Lodestar

3. Lowenstein: The individuals of Lowenstein Sandler LLP who worked on this matter are listed in **Exhibit A**, along with years in practice, hourly rates, hours spent from August 16, 2018 through May 31, 2023, and total lodestar. I hereby attest that the billing rates used on the attached **Exhibit A** are consistent with the Court's Pretrial Order No. 9: Protocol for Common Benefit Work and Expenses. *See* ECF No. 121 at 5). Further detail regarding the litigation and bankruptcy experience of Michael Etkin and the Lowenstein bankruptcy practice can be found in Lowenstein's resume attached hereto as **Exhibit C**.

4. The detailed descriptions of the time spent by the attorneys and other professionals of Lowenstein in the Bankruptcy Actions and this litigation were prepared from contemporaneous, daily time records prepared and maintained by Lowenstein and submitted to Co-Lead Counsel pursuant to the comprehensive time and expense billing protocol and reporting forms disseminated by Co-Lead Counsel pursuant to the Court's Order. *See* ECF No. 121; ECF No. 121-1. Detailed time records, consisting of contemporaneous logs, with separate entries for

the hours spent on specific tasks, indicating who performed the work and giving a description of the task, are available for the Court's review should the Court desire such records.

Lowenstein's Total Hours and Total Lodestar

5. Lowenstein performed its services in connection with the Bankruptcy Actions primarily on a contingent basis. Pursuant to the engagement agreement in this matter, my firm was paid a \$50,000 retainer and reimbursed reasonable expenses by Plaintiffs' Counsel. Aside from the \$50,000 retainer and reimbursed reasonable expenses, Lowenstein has received no compensation for its efforts during the course of this litigation.

6. The total number of hours expended on this litigation by Lowenstein as authorized by the Co-Lead Counsel, from August 16, 2018 through May 31, 2023 is 701.8 hours. After deduction of the \$50,000 retainer, the unreimbursed lodestar for Lowenstein Sandler LLP is \$678,494.50.

7. Lowenstein bases its rates upon the experience and skill of the attorney or paralegal performing the work. Lowenstein sets rates through periodic review of the rates charged by other law firms involved in similar complex bankruptcy cases and litigation, after a thorough review of costs, prevailing rates, and other market indicia, and are subject to annual review and increases. These rates are the same as or less than rates used by Lowenstein in comparable bankruptcy cases and litigation, and are the same as, comparable to, or less than rates submitted by Lowenstein and accepted by other courts in other complex class actions for purposes of determining a reasonable fee under the lodestar method.

8. Before submitting this declaration, I reviewed Lowenstein's time reports to ensure that the lodestar did not include hours that were excessive, redundant, or otherwise unnecessary.

Lowenstein's Costs and Expenses

9. Attached hereto as **Exhibit B** is an itemized description of expenses/charges (“expenses”) totaling \$10,683.97, which were reasonable and necessary in relation to this litigation and submitted to Co-Lead Counsel pursuant to its comprehensive time and expense billing protocol and the Court’s Order. *See* Pretrial Order No. 9: Protocol for Common Benefit Work and Expenses, ECF No. 121 at 3-4. The expenses pertaining to this litigation are reflected in the books and records of Lowenstein. These books and records are prepared from expense vouchers, check records, and other documents and are an accurate record of the expenses incurred in this litigation.

10. All of the \$10,683.97 in expenses incurred by Lowenstein Sandler, LLP have been reimbursed by Co-Lead Counsel.

11. These costs are attributable to ordinary and necessary costs, including filing fees, postage, transcript charges, telecommunications, computerized legal research, and printing and duplication services, among other categories.

12. I have reviewed these costs to ensure that they are not excessive or unnecessary.

Lowenstein's Experience

13. I and my firm have extensive experience in bankruptcy litigation and representing the interests of class action plaintiffs in a bankruptcy context, as set forth in my and my firm’s current resume, a true and correct copy of which is attached hereto as **Exhibit C**.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and to the best of my knowledge.

Executed this 18th day of June, 2023 at Roseland, NJ

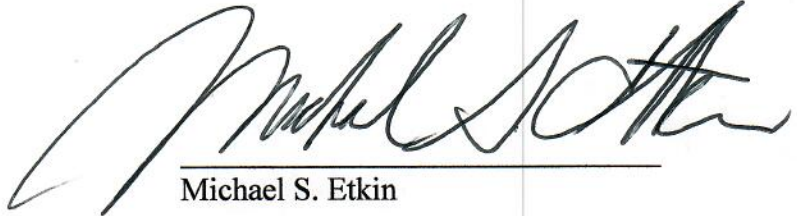

Michael S. Etkin

EXHIBIT A**LOWENSTEIN SANDLER LLP
STATEMENT OF TOTAL TIME****AUGUST 16, 2018 – MAY 31, 2023**

Timekeeper	Position	Admission	Billing Rate	Time Spent	Fees Total
Etkin, Michael S.	Partner	1979	\$1,365.00	207.4	\$283,101.00
Fulfree, Nicole	Partner	2014	\$980.00	331.8	\$325,164.00
Papandrea, Michael T.	Counsel	2015	\$910.00	112.2	\$102,102.00
Schneider, John P.	Associate	2011	\$690.00	4.5	\$3,105.00
Claussen, Diane	Paralegal		\$340.00	0.3	\$102.00
Jacome, Ruth	Paralegal		\$230.00	1.1	\$253.00
Jara, Gabriel	Paralegal		\$330.00	2.2	\$726.00
Lawler, Elizabeth B.	Paralegal		\$320.00	26.0	\$8,384.00
Pagano, Jamie J.	Paralegal		\$365.00	6.0	\$2,190.00
Suhail, Aneela	Paralegal		\$305.00	4.5	\$1,372.50
Michaud, Zoraida	Admin. Staff		\$355.00	5.8	\$2,059.00

Sub Total:	701.8	\$728,494.50
Less Retainer:		(\$50,000.00)
Total:		\$678,494.50

EXHIBIT B**PERIODIC EXPENSE REPORT****AUGUST 16, 2018 – MAY 31, 2023**

Actual and necessary disbursements incurred by Lowenstein Sandler LLP and fully reimbursed by Co-Lead Counsel

Expense Category	Amount
Printing and Duplicating Services – Internal	\$297.84
Filing fees	\$200.00
Meals	\$93.00
Miscellaneous	\$25.00
Bulk rate/special postage	\$67.60
Computerized legal research & searches	\$5,529.38
Telecommunications	\$412.65
Transcript charges	\$3,527.14
Travel	\$531.36
Total Disbursements	<u>\$10,683.97</u>

Exhibit C



Michael S. Etkin

Partner, Bankruptcy & Restructuring Department, Business Litigation

E-mail: metkin@lowenstein.com

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A senior bankruptcy practitioner and seasoned commercial litigator, Mickey has extensive experience in complex business reorganizations, investor litigation in a bankruptcy context, and high-stakes Chapter 11 issues. Mickey is consistently recognized by *Chambers USA* as a "a strong lawyer," "brilliant," "outstanding," "very plugged in," and "instrumental in providing tactical advice," noting his skill in "anticipating all the key issues that are likely to arise." Clients commend his "technical knowledge, attention to detail, and honest and straightforward legal advice."

A key member of the firm's successful bankruptcy and complex business litigation practices, Mickey represents debtors, trustees, creditors, and investors in many noteworthy bankruptcies and bankruptcy-related litigation. He currently represents institutional investors in many significant complex Chapter 11 and Chapter 15 proceedings, such as Pacific Gas & Electric, Celsius Network, Allied Systems, Mallinckrodt, SandRidge Energy, American Addiction Centers, Aegean Marine Petroleum, Windstream, Odebrecht, and McDermott International, among others. He represents important consumer interests in bankruptcy cases involving issues of privacy, product liability, and lending practices.

In addition, Mickey represents major energy companies in connection with bankruptcy proceedings involving their customers and counterparties. He has been invited to speak before financial institutions, bar association groups, and credit associations on issues relating to the energy industry, including the rights of counterparties to derivatives and other energy-related contracts in a bankruptcy context. He chairs the Bankruptcy and Creditors' Rights Group of the International Energy Credit Association.

Mickey also routinely speaks at programs on the rights of securities fraud claimants and class action plaintiffs in a Chapter 11 context, and on the interplay between bankruptcy law and product liability litigation.



BANKRUPTCY & RESTRUCTURING DEPARTMENT

Lowenstein's bankruptcy lawyers are in demand by business leaders, credit managers, financial advisors, institutional investors and restructuring professionals seeking a resourceful, aggressive, well-connected law firm. We understand how to reach a negotiated resolution yet have a strong track record at trial. We represent debtors, creditors' committees, individual and institutional stakeholders, and trustees in Chapter 11 proceedings throughout the United States.

A reorganization may be the most practical and promising strategy for a troubled company. We advise on prepackaged and prenegotiated plans, which implement quick restructurings that might otherwise take years to complete. We also counsel debtors, creditors, and financial institutions in nonjudicial debt restructurings or workouts involving public and privately held companies.

In some instances, a business is not in distress but wishes to retire debt at a discount, restructure operations, or recapitalize. As a bankruptcy law firm, our attorneys work with companies seeking creative techniques to achieve specific business goals to deal with these issues.

A company's fiscal difficulty affects various other parties, such as those who have provided loans, supplied goods and services, or invested capital. We represent official and unofficial creditors' committees and equity committees in diverse Chapter 11 and other insolvency matters. We collaborate with commercial and investment banks, savings institutions, mutual funds, pension funds, and other financial firms in their management of troubled credit, or claims against companies in distress. Our attorneys also advise clients who are interested in buying assets from Chapter 11 debtors. We structure and secure bankruptcy court approval of debtor-in-possession financing, represent lenders in exploring and establishing these and other financing opportunities and represent asset purchasers.

When appropriate, we consult with the firm's corporate and tax groups to structure transactions that minimize future complications and liability, and to avoid the domino effect that one bad deal can have on a company's overall well-being. We also advise on the significant bankruptcy aspects of various transactions, including commercial finance transactions, as well as on mergers, acquisitions, and divestitures of solvent, insolvent, and other highly leveraged companies. Our bankruptcy attorneys are involved in large and complex commercial, industrial, and residential real estate insolvencies, and they assist companies in emerging from bankruptcy with controlled environmental liabilities.

We also prosecute and defend all types of litigation related to bankruptcy proceedings. We are noted for representing the interests of shareholders, investors, and consumers in class action and other litigation against corporate defendants that are in bankruptcy.

Whether defrauded institutional investors, individual investors, state, local, and union employee pension and benefit funds, investment managers, or consumers in some of the largest and most significant Chapter 11 cases, we understand the nuances and pitfalls facing such claimants in a bankruptcy context. Such representation helps protect a class of creditors that generally receives little or no recovery in Chapter 11 reorganizations or liquidations throughout the country including the most active jurisdictions.